\* OF BALTIMORE COUNTY \* Case Nos. 93-192-SPH

Kenneth E. Lentz, et ux Petitioners

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

\* \* \* \* \* \* \* \* \* \*

This matter comes before the Zoning Commissioner as a Petition for Special Hearing for that property known as 17137 Evna Road, located in the northern/rural section of Baltimore County near Mt. Carmel Road. The Petitioners seek a determination that the subject property has the density for, and can be improved with, a one single family dwelling pursuant to Section 1A01.2.B.1 of the Baltimore County Zoning Regulations (B.C.Z.R.).

The Petition was filed by Kenneth E. and Carol C. Lentz, property owners, who were represented by Howard L. Alderman, Jr., Esquire. Appearing as an interested party was Mr. A.A. Windesheim. There were no Protestants present.

Testimony and evidence presented was brief and uncontradicted. The subject property is a 10.048 acre (+/-) parcel located in northern Baltimore County. The Petitioners acquired the parcel on December 19, 1987, as is documented by Petitioners' Exhibit No. 2, the deed evidencing the transfer of the property to the Petitioners. The parcel is zoned R.C.2. as shown on the site plan and marked as Petitioners' Exhibit No. 1.

The authority for the creation of the subject property as a building lot was established in the opinion and Order issued by then Zoning Commissioner Jr. Robert Haines, under case No. 88-131-SPH. Within that case,

the Petitioners and that they could erect a single family dwelling thereon. Further, Commissioner Haines discussed the balance of the larger tract from which the subject lot was subdivided. That tract was owned by Ralph P. Stern, et ux. Further, Commissioner Haines' conditioned his approval upon the implementation of certain restrictions. Evidence presented was that the Petitioners in this earlier case did not comply with these restrictions. Thus, the present Petition is presented to affirm that the failure of Mr. and Mrs. Stern to satisfy those restrictions will not, in any manner, invalidate the viability of the building lot owned by Mr. and Mrs. Lentz. In support of this position, the Petitioners produced copies of a letter from Zoning Coordinator, Carl Richards, dated May 5, 1992 and from Zoning Supervisor, James E. Dyer, dated October 5, 1990. These letters state that the approval granted in the prior case and the validity of the Lentzs' lot is not affected by the Sterns failure to comply with the restrictions contained in Commissioner Haines' Order. I agree with these conclusions that the failure by the Sterns to meet the restrictions imposed should not be held against the Petitioners herein. It would be manifestly improper and unfair to invalidate the viability of the Lentzs' parcel due to the failure of others. Thus, for this reason, I shall grant the Petition for Special Hearing, and thereby confirm that the subject property contains density for, and can be improved with, a one sin-

Commissioner Haines opined that the property was lawfully transferred to

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

-2-

CEIVED FOR FILING

gle family dwelling.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore day of January, 1993, that the Petition for Special Hearing seeking a determination that the subject property has the density for, and can be improved with, a one single family dwelling, be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

> 1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

> > Zoning Commissioner for Baltimore County

LES/mmn

January 25, 1993

Banore County Government

Zoning Commissioner
Office of Planning and Zoning

(410) 887-4386

Howard L. Alderman, Jr., Esquire Levin and Gann 305 W. Chesapeake Avenue Towson, Maryland 21204

RE: Petition for Special Hearing Kenneth E. Lentz, et ux, Petitioners Case No. 93-192-SPH

Dear Mr. Alderman:

Suite 113 Courthouse

400 Washington Avenue

Towson, MD 21204

Enclosed please find a copy of the decision rendered in the above captioned matter. The Petition for Special Hearing has been granted, with

In the event any party finds the decision rendered unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Appeals Clerk at 887-3391.

Zoning Commissioner

cc: Mr. and Mrs. Kenneth E. Lentz cc: Mr. A.A. Windesheim

for Baltimore County

## Petition for Special Hearing to the Zoning Commissioner of Baltimore County

for the property located at 17137 Evna Road which is presently zoned RC-2

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should section

determine that the subject property has the density for, and can be improved with one single-family dwelling pursuant to BCZR \$ 1A01.2.B.1.

Property is to be posted and advertised as prescribed by Zoning Regulations.  To we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filling of this petition, and further agree to and the coning to the zoning Law for Saltimore County.
--

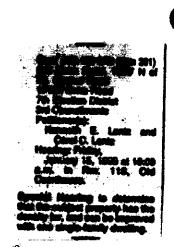
	I/We do eclemnly declare and allies, under the penalties of perjuty, that I/we are the legal centerts) of the property which is the subject of this Politics.	
Contract Purchaser/Levage:	Lagai Ovneruj;	
(Type or Print Name)	Kenneth E. Lentz	10 to
Signature	Kern-eth E.	
Address	Carol C. Lentz	
City State Zipcode	Curcl C Rest	3
	7002 Bristol Road	821-5467
Altorney for Petitioner	Address	Phone No.
Howard L. Alderman, Jr.	Baltimore, MD	21212
Stonard Wilderman	City State Name, Address and phone number of legal owner, co to be contacted.	Dipose  Africal purchaser or representative
LEVIN & GANN, P.A. 305 West Chesapeake Avenue Suite 113 Townon, Meryland 21204	Howard L. Alderman, Jr., Esquire LEVIN & GAMM, P.A. 305 West Chesspeake Avenue, Suite 113 Towarn, Maryland 21204 Tel.: (410) 321-0600	
Attorney's Phone No.: (410) 321-0600	OFFICE LINE ONLY	
	ESTRIATED LENGTH OF NEARING	
	the following dates	Hent Two Months

ZONING DESCRIPTION FOR ZONING SPECIAL HEARING PREMISES KNOWN AS 17137 EVNA ROAD

BEGINNING at a point in the center line of Evna Road, located in the Seventh Election District of Baltimore County, Maryland, approximately 1800 feet from the intersection of Evna Road and Mt. Carmel Roads, running thence the following courses and distances: 1) N 70° 14° 00′ E 481.93 feet; 2) S 81° 04′ E 171.07 feet; 3) N 81° 37′ E 217.67 feet; 4) N 36° 38″ 58′ E 362.81 feet; 5) N 65° 30° 08' W 540.53 feet; 6) N 3° 18" 38' E 797.29 feet; 7) S 55° 40° 02' W 321.17 feet; 8) S 62° 21° 18' W 611.31 feet; 9) S 35° 34" 34' E 566.06 feet; 10) N 73° 40° 04' E 438.11 feet; 11) S 65° 30" 08' E 535.58 feet 12) S 36° 38' 58" W 346.29 feet; 13) S 81° 37" W 212.01 feet; 14) N 81° 04" W 172.11 feet; 15) South 70° 14' 00" W 484.42 feet to the center line of said Evna Road; 16) running thence along the center line of said Evna Road S 19° 22" E 10.0 feet to the place of beginning.

WE DEPARTMENT OF BALTIMORE COUNTY 93-192-574 Special Learing Kenneth +CArol Lentz Location of property: Els Elme Rd. 1800' M/ WT. Corms/ Rd. Location of Signer Fring You Sway at antronus of frigits food los ding

-3-



CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of weeks, the first publication appearing on  $\frac{|2|3|}{|}$ 

Bullimore Counts Zoning Administration & Development Management
111 West Chesepeuke Avenue
Ton son, Maryland 21204 H9300201 PUBLIC HEARING FEES -030 SPECIAL HEAR HE CARE 101AL: \$50.00 TAST THE OF OMIGHT LEFT. Check # 1137 04A04#0039MICHRC BA CO09:20AM12-09-92

**fqiese**1

Account: R-001-6150

Barthamall Charles and

201

93-192-A

111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

01/04/93

Meeting Date

12-28-92 (mma)

12-21-92

Kenneth and Carol Lentz 7002 Bristol Road Baltimore, Maryland 21212

DATE: 1.6.93

CASE MURBER: 93-192-SPH (Item 201) E/S Evna Road, 1800' N of Mt. Carmel Road 17137 Evna Road

7th Election District - 3rd Councilmanic Petitioner(s): Kenneth E. Lentz and Carol C. Lentz HEARING: FRIDAY, JAMUARY 15, 1993 at 10:00 a.m. in Rm. 118, Old Courthouse.

(Public Services)

Waiver Number

Robert E. Ryan and Marianne H. Gillette

Development Review Committee Response Form

Authorized signature Division 1. Known Date 1/4/93

Zoning Issue

Dear Petitioner(s):

Please be advised that \$ 74.55 is due for advertising and posting of the above captioned property and hearing date.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE, DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return smail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 109, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

Project Name

Baker Land Company

Charles A. Wagandt

DED DEPRM RP STP TE

DED DPERM RP STP TE

DED DEPRM RP STP TE

DED DEPRM RP STP TE

DED DEPRM RP STP TE

Red 1/4/93

Kenneth E. and Carol C. Lentz

Aubrey N. and Ruth N. Freeman

Walter Dempsey Lee and Carolyn Shaw

Michael J. and Bonnie Conner

James G. and Pamela J. Miller

Sarkis G. and Susan T. Aghazarian

Thomas Booth, Louis and Elmer Morsberger

Wyaness Associates Limited Partnership

File Number

DED DEPRM RP STP

COUNT 4

cc: Howard L. Alderman, Jr., Esq.

and Development Management

111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

DEC. 21 1992 NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Evenue in Towson, Maryland 21204

**Baltimore County Government** 

Office of Zoning Administration

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-192-SPH (Item 201) E/S Evna Road, 1800' N of Mt. Carmel Road 17137 Evna Road 7th Election District - 3rd Councilmanic Petitioner(s): Kenneth E. Lentz and Carol C. Lentz HEARING: FRIDAY, JAMUARY 15, 1993 at 10:00 a.m. in Rm. 118, Old Courthouse.

Special Hearing to determine that the subject property has the density for, and can be improved with one single-family dwelling.

cc: Kenneth and Carol Lentz Howard L. Alderman, Esq.

MOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMPODATIONS PLEASE CALL 887-3353.

DPW/Traffic Engineering 12/28/92 Development Review Committee Response Form Date /2/28/92 Project Name Waiver Number Zoning Issue Nancy E. and David M. Paige COUNT Robert E. Ryan and Marianne H. Gillette Baker Land Company DED DEPRM RP STP TE Kenneth E. and Carol C. Lentz Aubrey N. and Ruth N. Freeman COUNT 4 Stonegate at Patapsco (Azreal Property) TE (Waiting for developer to submit plans first) COUNT 1 COUNT 6

Rec(d 1/4/92

\* \* \* END OF REPORT \* \* \*

Baltimore County Government Office of Zoning Administration and Development Management

December 31, 1992

(410) 887-3353

Howard L. Alderman, Jr., Esquire Levin & Gann, P. A. 305 West Chesapeake Avenue STE 113 Towson, MD 21204

> RE: Case No. 93-192-SPH, Item No. 201 Petitioner: Kenneth E. Lentz, et ux Petition for Special Hearing

Dear Mr. Alderman:

111 West Chesapeake Avenue

Towson, MD 21204

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Baltimore County Government Office of Zoning Administration and Development Management

(410) 887-3353

Your petition has been received and accepted for filing this

9th day of December 1992.

111 West Chesapeake Avenue

Towson, MD 21204

Petitioner: Kenneth E. Lentz, et ux Petitioner's Attorney: Howard L. Alderman

State Highway Administration

O. James Lighthizer Hal Kassoff Administrator

Zoning Administration and Development Management County Office Building 111 W. Chesapeake Avenue

Baltimore County Item No.: \$ 201 (CAM) KLMNETHE. LENTZ & CHAL C.

Dear Ms. Winiarski:

Towson, Maryland 21204

Ms. Julie Winiarski

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

My telephone number le 410-333-1350

Teletypewriter for Impaired Hearing or Speech 383-7555 Baltimore Metro - 585-0451 D.C. Metro - 1-800-492-5082 Statewide Toli Free 707 North Calvert St., Baltimore, Maryland 21203-0717

27-192-SPH 1-15 02

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

Arnold Jablon, Director Zoning Administration and Development Management

DATE: December 22, 1992

FROM: Pat Keller, Deputy Director Office of Planning and Zoning

Petitions from Zoning Advisory Committee (December 21, 1992)

The Office of Planning and Zoning has no comments on the following petitions:

Shirley and Ronda Swab, Item No. 190 Robert and Marianne Gillette, Item No. 199 Baker Land Company, Item No. 200 Kenneth and Carol Lenty, Item No. 201 Aubrey and Ruth Freeman, Item No. 202 James and Josephine Hartman, Item No. 206

If there should be any further questions or if this office can provide additional information, please contact Francis Morsey in the Office of Planning at 887-3211.

Division Chief:

PK/FM: rdn

190.200/ZAC1

Rec'd 1/4/93

13 -12, SAY 115/1 BALTTMORE COUNTY, MAR AND

> DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT INTER-OFFICE CORRESPONDENCE

Mr. Arnold Jablon, Director Zoning Administration and Development Management

DATE: January 6, 1993

FROM: J. Lawrence Pilson Development Coordinator, DEPRM

Zoning Item #201

17137 Evna Road Zoning Advisory Committee Meeting of December 21, 1992

The Department of Environmental Protection and Resource Management has no comments on the above referenced zoning item. Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

LP:sp

EVNA/TXTSBP

Section 18

JEER7 7 5 4 PAGES 97

for Bultimore County

lawyers Title Insurance Orporation National Headquarters - Richmond, Virginia

App. No. T87-113

THIS DEED, Made this 19th day of December in the year one thousand nine hundred and eighty-seven by and between DIANNE LEARS STERN of Baltimore County in the State of Maryland, party of the first part, and KENNETH E. LENTZ and CAROL C. LENTZ, parties of the second part.

WITNESSETH that in consideration of the sum of \$ 107,350.00, (the actual consideration paid or to be paid) and other good and valuable consideration the receipt of which is hereby acknowledged, the said party of the first part does grant and convey unto the said parties of the second part, as tenants by the entireties, their assigns, the survivor of them and the survivor's personal representatives and

assigns, in fee simple, all that lot of ground situate in Baltimore County, State of RECEIVED FOR TRANSFER State Department of Maryland, and described as follows: Assestments & Taxation

BEGINNING for the same at a point in the center of Evna Road at the end of the 10th or S 70 degrees 14 minutes 00 seconds W 481.93 foot line of the land which by Deed dated December 31, 1986 and recorded among the Land Records of Baltimore County in Liber S.M. 7397, folio 792, was conveyed by George S. Wareheim, Jr. and Beryl A. Wareheim to John E. Adams, thence leaving Evna Road and binding reversely on the 10th through the 3rd lines and reversely on a part of the 2nd line of the aforesaid Deed, the nine following courses and distances, as now surveyed: 1) N 70 degrees 14 minutes 00 seconds E 481.93 feet; 2) S 81 degrees 04 minutes 00 seconds E 171.07 feet; 3) N 81 degrees 37 minutes 00 seconds E 217.67 feet; 4) N 36 degrees 38 minutes 58 seconds E 362.81 feet; 5) N 65 degrees 30 minutes 08 seconds W 540.53 feet; 6) N 3 degrees 18 minutes 38 seconds E 797.29 feet; 7) S 55 degrees 40 minutes 02 seconds W 321.17 feet; 8) S 62 degrees 21 minutes 18 seconds W 611.31 feet; and 9) S 35 degrees 34 minutes 34 seconds E 566.06 feet, running thence for a line of division through the property of John E. Adams, N 73 degrees 40 minutes 04 seconds E 438.11 feet, running thence for other lines of division through the property of John E. Adams parallel to and 10.00 feet from the 6th to the 10th lines of the aforesaid Deed the five following courses and distances: 1) 65 degrees 30 minutes 08 seconds E 535.58 feet; 2) S 36 degrees 38 minutes 58 seconds W 346.29 feet; 3) S 81 degrees 37 minutes 00 seconds W 212.01 feet: 4) N 81 degrees 04 minutes 00 seconds W 172.11 feet; and 5) S 70 degrees 14 minutes 00 seconds W 484.42 feet to the center of Evna Road and to intersect the 11th line of the aforesaid Deed at the distance of 10.00 feet from the beginning of said 11th line, running thence on the center of Evna Road and binding reversely on a part of said 11th line, S 19 degrees 22 minutes 00 seconds E 10.00 to the place of beginning.

The improvements thereon to be known as No. 17137 Evna Road.

SUBJECT to a strip of land, 25 feet wide, along the last line of the above described parcel, to be dedicated to Baltimore County upon demand and at no cost, for the purpose of widening Evna Road.

TOGETHER with and subject to the use in common with others entitled thereto, of the existing land located in part of the above described parcel and beginning at the end of the 5th line of the above described parcel and running in a southwesterly direction through the property immediately adjacent on the south, as means of ingress and egress from Evna Road.

TOGETHER also with the right of ingress and egress over all that portion of the property lying south of the above described parcel between the 10th line of said parcel and the existing lane.

93-192-5PH 1/15/20

Baltimore County Government Fire Department



DECEMBER 28, 1992

700 East Joppa Road Suite 901 Towson, MD 21286-5500

(410) 887 4500

Arnold Jablon Director Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204

RE: Property Owner: KENNETH E. LENTZ & CAROL C. LENTZ

#17137 EVNA ROAD Location:

Gentlemen:

Item No.: 201 (CAM) Zoning Agenda: DECEMBER 21, 1992

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be

corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

Noted and Approved Planning Group, Fire Prevention Bureau Special Inspection Division

Read 1/5/93

JP/KEK

Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353

SUPERSEDES



Dennis F. Rasmuseen
County Executive

October 5, 1990

Mr. Kenneth E. Lentz 7002 Bristol Road Baltimore, Maryland 21212

RE: B-068399 Control #NR

17137 Evna Road 7th Election District

Dear Mr. Lentz:

This office has approved the above referenced building permit. However, you should be aware of the following information:

Your ten acre parcel was allowed to be created by Zoning Case #88-131-SPH. Subsequent to the approval and sale of your lot, the petitioner involved in Zoning Case 88-131-SPH acted in a manner that contradicts both the Baltimore County Zoning Regulations and the order found in Case #88-131-SPH.

It is this office's position that the action of the petitioner did not affect the decision of the Zoning Commissioner to allow your lot to be a buildable lot, and as such your application for a building permit was

If you have any questions, please do not hesitate to call me at 887-3391.

Very truly yours,

By: Catherine A. Milton

Planner I

CAM: jat cc: Tim Kotrocco Eric DiNenna, Esq. Frank DiMeglio

111 West Chesapeake Avenue

Towson, MD 21204

AA WIND ISHIIM

PLEASE PRINT CLEARLY

CARCL LENTZ

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

17/19 EUNA RD VINO

DOUZ BRISTOL RD.

7000 BRISTOL RD

BACT MD 21212

21212

BALTO MID.

PETITIONER(S) SIGN-IN SHEET

(410) 887-3353

Howard L. Alderman, Jr., Esquire Levin and Gann 305 West Chesapeake Avenue Towson, MD 21204

> RE: 17137 Evna Road Building Permit #B-068399 7th Election District

Your letter dated April 20, 1992 in which you requested a reaffirmation of our approval of building permit #8-068399 has been forwarded to me for response.

It is this office's opinion that the illegal subdivision that has occurred on Ms. Diane Stern's property in no way affects the right to build on your client, Mr. Lentz's property. Our opinion is based on the fact that Mr. Lentz's lot was created after a public hearing was approved and the subdivision that occurred on Ms. Stern's property occurred subsequent to the recordation of Mr. Lentz's lot. It is clear, after reading zoning case #88-131-SPH, that the density unit remained with Mr. Lentz's property and there were no subdivision rights remaining on Ms. Stern's property.

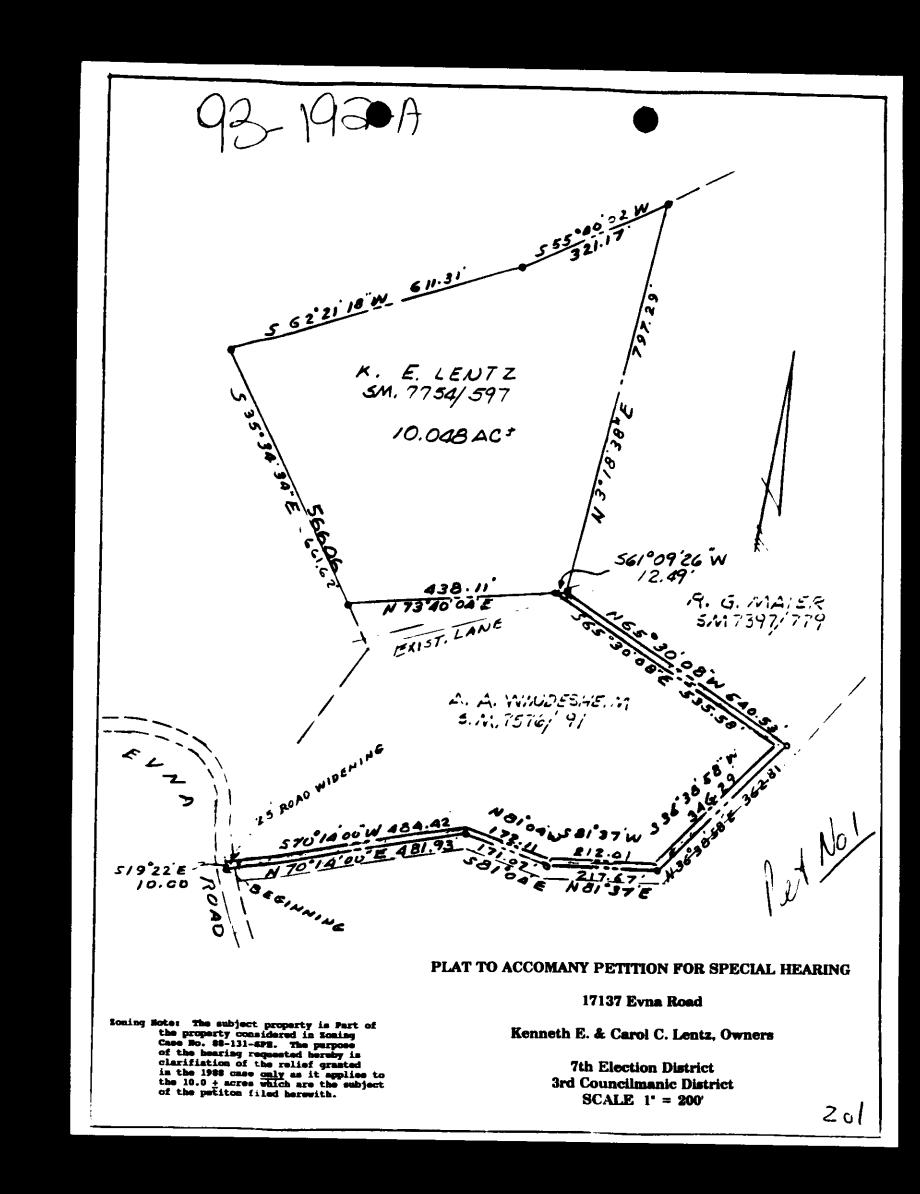
Based on the statements above, Mr. Lentz should feel free to apply for a new building permit when his current permit expires. In order to expedite zoning approval, he should contact Catherine Milton at 887-3391, a she is most familiar with the facts in this matter.

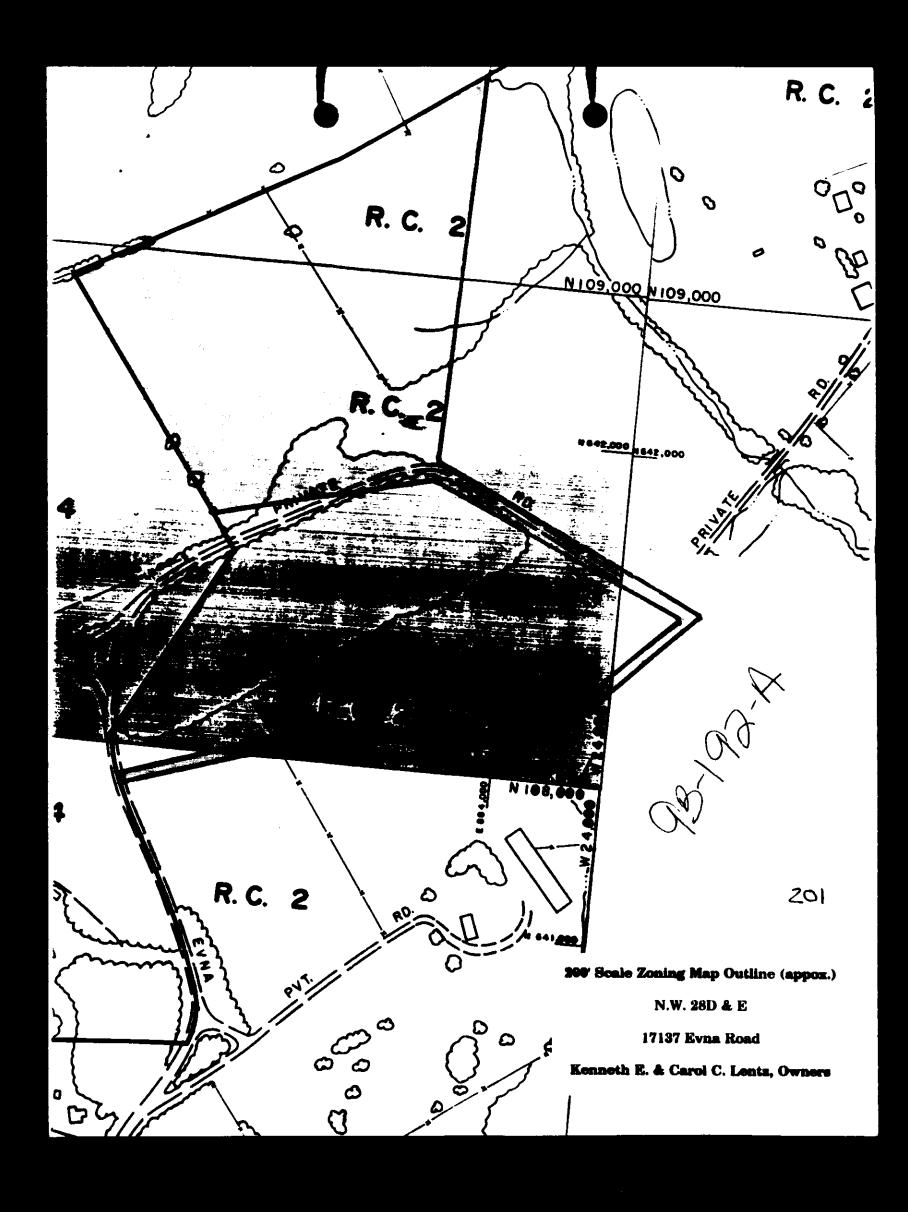
Very truly yours,

nor W. Carl Richards, Jr.

Zoning Coordinator

By: Catherine A. Milton Planner I





CAM:scj

SLAND BY ORGINAL-PARCELS Warehein Title P2117 70 / 2011 1000 PETITION FOR SPECIAL HEARING / Day